

Remarks/Amendments

Status of the Claims

Claims 1 and 2 were originally filed. Claims 3-17 were added in the Amendment of June 22, 2005 and Claims 18-20 were added in the Amendment of November 30, 2005. Claims 1, 4, 7, 8, 14-16, 18, and 19 currently stand rejected. Claims 2, 3, 5, 6, 9-13, and 20 are objected to as to form, but would be allowable if re-written in independent form. In the present Amendment, Applicant amended Claim 11 to correct informal matters. Specifically, Applicant amended Claim 11 to include an "and." As such, no new matter was introduced. Upon entry of this Amendment, Claims 1-20 are pending.

Specification Amendment

In the present Amendment, Applicant amended the specification to correct a scrivener's error. Specifically, on page 2, Applicant replaced reference signal "14" with reference signal "41." As such, no new matter was entered.

Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following remarks.

A. Claim Rejections: 35 U.S.C. § 102(b)

Claims 1, 4, 8, 14-16, 18, and 19 are rejected under 35 U.S.C. § 102(b). The Examiner alleges Claims 1, 4, 8, 14-16, 18, and 19 are anticipated by U.S. Patent No. 2,610,879 to Pope (hereinafter referred to as "Pope"). Applicant respectfully disagrees and requests that the Examiner's 35 U.S.C. § 102 rejections be withdrawn.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Independent Claims 1 and 14 recite, *inter alia*, "a substrate including a polymer and provided with a flex area." The Examiner alleges that "Pope discloses a u-nut (has a u-nut shape in cross-section 11, figure 2) made of plastic including a flex area (18)." However,

Pope discloses a "paper band 18" and not a "substrate including a polymer and provided with a flex area." See Pope, Col. 1, ll. 41-42. One of ordinary skill in the art would recognize that Pope discloses the flange "15" secured to the paper band "18" by an adhesive "19." See Pope, Col. 1, ll. 41-42. As such, Pope fails to teach or suggest a substrate including a polymer and provided with a flex area. Accordingly, Pope fails to anticipate independent Claims 1 and 14. Because Claims 4, 8, 15, 16, 18, and 19 depend from either Claim 1 or Claim 14, Pope fails to anticipate Claims 4, 8, 15, 16, 18, and 19. For at least this reason, Applicant requests that the Examiner's 35 U.S.C. § 102 rejection be withdrawn.

B. Claim Rejections: 35 U.S.C. § 103(a)

Claims 7 and 17 stand rejected under 35 U.S.C. § 103(a). The Examiner alleges Claims 7 and 17 are unpatentable over Pope. Applicant respectfully disagrees and requests that the Examiner's 35 U.S.C. § 103(a) rejection be withdrawn.

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." M.P.E.P. § 2143.03 (citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

As stated above, Pope fails to teach all the limitations of independent Claims 1 and 14. As such, because Claims 7 and 17 depend indirectly from Claims 1 and 14, respectively, Pope fails to teach all the limitations of Claims 7 and 17. For at least this reason, Applicant requests that the Examiner's 35 U.S.C. § 103(a) rejections be withdrawn.

C. Allowable Subject Matter.

According to the Examiner, Claims 2, 3, 5, 6, 9-13, and 20 have been objected to as being dependent upon a rejected base claim, but would be allowable if re-written in independent form. Applicant thanks the Examiner for acknowledging the presence of allowable subject matter. However, Applicant respectfully points out that Claims 9, 10, 11, 12, 13, and 20 depend from independent Claim 2. As such, Applicant believes that Claims 2, 9, 11-13, and 20 are allowable in the present form.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration, withdrawal of rejections, and allowance of all Claims now present in the application.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment to Deposit Account No. 502318.

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Respectfully Submitted,

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